

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

Whereas, to avoid continuing confusion over which statutory provisions govern the intake worker program and to avoid a continuing drain on departmental resources for administration of a program which will be greatly changed upon the implementation of the Maine Juvenile Code, it is necessary to immediately provide that the court intake worker function may commence at the same time the Maine Juvenile Code takes effect; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 15 MRSA § 2601, sub-§ 1, 2nd sentence, as amended by PL 1977, c. 518, § 1, is further amended to read:

Upon such application, the juvenile court ~~intake worker~~ shall make a preliminary inquiry, examining the applicant and witnesses, if any, to determine whether the interests of the public or of the juvenile complained against require that further action be taken.

Sec. 2. 15 MRSA § 2602-A, as enacted by PL 1977, c. 518, § 2, is repealed.

Sec. 3. 34 MRSA § 1592, sub-§ 3-A, as enacted by PL 1977, c. 518, § 3, is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 17, 1978

CHAPTER 608

AN ACT Concerning Limitation of Actions and Assumptions of Risk under the Elevator and Tramway Statutes Pertaining to Ski Areas.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 14 MRSA § 752-B is enacted to read:

§ 752-B. Ski areas

All civil actions for property damage, bodily injury or death against a ski area owner or operator or tramway owner or operator or its employees, as defined

under Title 26, chapter 5, subchapter V-A, whether based on tort or breach of contract or otherwise, arising out of participation in Alpine or downhill skiing or the use of a tramway associated with skiing shall be commenced within 2 years after the cause of action accrues.

Sec. 2. 26 MRSA § 488, 2nd, 3rd and 4th sentences, as enacted by PL 1977, c. 543, § 4, are amended to read:

Therefore, each skier ~~and each passenger~~ shall have the sole responsibility for knowing the range of his own ability to negotiate any slope or ski trail ~~or associated passenger tramway~~, and it shall be the duty of each skier ~~and passenger~~ to conduct himself within the limits of his own ability, to maintain control of his speed and course at all times while skiing, to heed all posted warnings and to refrain from acting in a manner which may cause or contribute to the injury of himself or others. Except as otherwise specifically provided in this subchapter, each skier ~~or passenger~~ shall be deemed to have assumed the risk of and legal responsibility for any injury to his person or property arising out of his participation in Alpine or downhill skiing ~~or the use of any passenger tramways associated therewith~~, unless the injury or death was actually caused by the negligent operation or maintenance of the ski area by the ski area operator, its agents or employees. ~~The~~ Except as provided in this section, the responsibility for collisions by any skier while actually skiing, with any person or object, shall be solely that of the skier or skiers involved in ~~such~~ collision and not that of the ski area operator. This section shall not prevent the maintenance of an action against a ski area operator for the negligent design, construction, operation or maintenance of a tramway.

Effective July 6, 1978

CHAPTER 609

AN ACT to Enable the Purchase and Administering of Barbiturates for the Euthanasia of Pets and Animals.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the purchase and administering of barbiturates for the euthanasia of pets and animals is presently forbidden by law; and

Whereas, this legislation permits the purchase and administering of barbiturates when in accordance with rules and regulations promulgated by the Commissioner of Agriculture; and

Whereas, this change in the law is vitally necessary at the earliest possible time for the continued operation of approved animal shelters; and